

In the claims

Concerning the status of the claims ever presented in the instant application:

Cancel original dependent claims 4 and 5 respectively, without prejudice; and

Amend original claims 1-3 and 6-8 respectively as recited hereinafter.

In addition, in view of the explicit holdings of law rendered by the U.S. Supreme Court in the *Festo* case [*Festo Corp. v. Shoketsu kinzoku Kabushiki Co. Ltd. et al.*, 62 USPQ2d 1705 (2002)] concerning the applicability of the legal doctrine of equivalents to amended claim language, applicants now present a formal attestation and affirmation of the legal position and substantive rights: Applicants do not now surrender for any reason, nor have previously surrendered at any time or for any reason during the prosecution of the instant application, any inventive subject matter which is or could be expected to be a particular equivalent of the invention defined by the language of the amended claims then pending as understood by a person of ordinary skill in this art; and that no presumption of estoppel, either in law or equity, exists or pertains now or at any time previously as a potential bar to the full application of the doctrine of equivalence for any and all possible embodiments which may be found to be encompassed now or in the future

by the language of the amended claims proffered now or at any time previously for substantive examination and review by the U.S. Patent Office. Accordingly, applicants hereby affirmatively rebut and explicitly dispute any presumption that the doctrine of equivalents for the language of the amended claims has been surrendered or is not in full force for any reason now and at any time during the prosecution on the merits of any and all claims defining the invention of the instant application.

Also, in accordance with the currently revised amendment practice (compulsory as of July 30th, 2003), applicants now present a listing of all the claims, in ascending numerical order, which were ever submitted for review; provide an identification of the presently cancelled or withdrawn claims (if any) which were ever submitted; and offer for review the full text of those currently amended or original claims now pending in the instant application. The listing of all claims ever presented and the full text of the presently pending claims begins on the immediately following page.

Claim 1 (Currently Amended). An on-demand needle retaining and locking mechanism ~~for use~~ in an intravenous needle-catheter assembly, said mechanism comprising:

a rotatable on-demand needle-safety container comprised of

(i) an elongated shell having at least one discrete wall and ~~being of~~ predetermined set dimensions and configuration, said elongated shell being radially rotatable on-demand,

(ii) an open end in said shell adapted for passage there through of the piercing end of a piercing needle,

(iii) an internal spatial volume within said shell sufficient for containing and securing the entirety of a piercing needle,

(iv) a sized solid tab member disposed on and extending radially from ~~the~~ an exterior surface of said shell at a ~~prechosen~~ an aligned position adjacent to, but axially removed from, said open end of said shell;

~~, and (vi) a plurality of pre-positioned radial and axial cutouts in said wall of said shell wherein at least one of said cutouts is radially positioned and aligned with said tab member; and~~

a needle housing unit adapted for mounting upon and sliding axial movement at will over said rotatable needle-safety container, said needle housing unit being comprised of

(a) a slide casing of ~~predetermined~~ fixed dimensions, configuration, and overall spatial volume,

(b) a flash chamber for holding ~~one~~ the non-piercing end of a piercing needle, and

(c) a piercing needle held at its non-piercing end by said flash chamber; and

~~a guide member sized for aligned radial movement at will into and out said radially positioned cutout and for aligned axial movement through said axial cutout in said wall of said needle-safety container~~

a configured spool section comprising

(α) a semi-circular flange,

(β) a tab-engagement segment, and

(δ) at least one sized notch for on-demand engagement with said tab member of said needle-safety container,

said spool section being alignable at will with said tab member and being able to engage, retain, and disengage said tab member of said needle-safety container on-demand.

Claim 2 (Currently Amended). An on-demand needle retaining and locking mechanism ~~for use in an intravenous needle-catheter assembly, said~~

mechanism comprising:

a needle-safety container comprised of

a linear shell having

(i) ~~having~~ at least one discrete shell wall and being of ~~predetermined~~ set dimensions and configuration,

(ii) ~~having~~ an open front end ~~in said shell~~ adapted for passage there through of a piercing needle, ~~and~~

(iii) ~~having~~ an internal spatial volume sufficient for containing and securing a piercing needle, and

~~(iv) at least one pre-positioned axial cutout in said wall of said linear shell,~~

a hollow collar contiguously aligned with and rotably attached to ~~an~~ said open front end of said linear shell, said rotatable collar having

(1) ~~having~~ at least one circular wall ~~and being of predetermined~~ dimensions and configuration sufficient for rotatable attachment to said front end of said linear shell, said circular wall being radially rotatable on-demand,

(2) ~~having~~ two open ends adapted for passage there through of a the piercing end of a piercing needle,

(3) a sized solid tab member ~~which is disposed on~~ and extending radially from the ~~an~~ exterior surface of said circular wall;

~~, and (4) at least one pre-positioned radial cutout in said wall which is radially positioned and aligned with said solid tab member; and~~

a needle housing unit adapted for mounting upon and sliding axial movement at will over said needle-safety container and said rotatable collar, said needle housing unit being comprised of

(a) a slide casing of ~~predetermined~~ fixed dimensions, configuration, and overall spatial volume,

(b) a flash chamber for holding ~~one~~ the non-piercing end of a piercing needle, and

(c) a piercing needle held at its non-piercing end by said flash chamber; and

~~a guide member for aligned radial movement at will into and out of said radially positioned and aligned cutout of said rotatable collar and for axial movement at will through said axial cutout of said linear shell of said needle-safety container~~

a configured spool section comprising

(α) a semi-circular flange,

(β) a tab-engagement segment, and

(δ) at least one sized notch for on-demand engagement with said tab member of said needle-safety container,

said spool section being alignable at will with said tab member and being able to engage, retain, and disengage said tab member of said needle-safety container on-demand.

Claim 3 (Currently Amended). The ~~needle-catheter assembly~~ on-demand needle retaining and locking mechanism as recited by claim 1 or 2 wherein

said rotatable on-demand needle-safety container further comprises a plurality of positioned radial and axial cutouts in said wall of said shell, and

said needle housing further comprises a guide member sized for aligned radial and axial movement at will into and out of said pre-positioned cutouts in said shell wall.

~~said radially positioned and aligned cutout comprises at least one contoured slot.~~

Claim 4 (Cancelled).

Claim 5 (Cancelled).

Claim 6 (Currently Amended). The ~~needle-catheter assembly~~ on-demand needle retaining and locking mechanism as recited by ~~claim 5~~ claims 1 or 2 wherein said configured spool section includes a pair of sized notches.

Claim 7 (Currently Amended). In a needle-catheter assembly including a hollow cannula, a piercing needle disposed co-axially within the cannula, an adjacently positioned needle-safety container, and a needle housing moveably mounted on said needle-safety container, the improvement of an on-demand needle retaining and locking mechanism comprising:

a rotatable on-demand, elongated needle-safety container including

(i) an elongated shell having at least one discrete wall and ~~being of~~ predetermined set dimensions and configuration, said elongated shell being radially rotatable on-demand,

(ii) an open end in said shell adapted for passage there through of the piercing end of a piercing needle,

(iii) an internal spatial volume within said shell sufficient for containing and securing the entirety of a piercing needle, and

(iv) a sized solid tab member disposed on and extending radially from ~~the an exterior surface of~~ said shell at a ~~prechosen~~ an aligned position adjacent to, but axially removed from, said open end of said shell;

~~, and (v) a plurality of pre-positioned cutouts in said wall of said shell wherein at least one of said cutouts is radially positioned and aligned with said tab member and at least another of said cutouts is axially positioned, and~~

a needle housing unit adapted for mounting upon and sliding axial movement at will over said rotatable needle-safety container, said needle housing unit including

(a) a slide casing of ~~predetermined~~ fixed dimensions, configuration, and overall spatial volume,

(b) a configured spool section comprising a flanged rib, ~~and~~ a tab-engagement segment, and at least one notch for on-demand engagement with said tab member of said needle-safety container, said spool ~~portion~~ section being alignable at will with said tab member and being able to engage, retain and disengage said tab member of said rotatable needle-safety container on-demand,

(c) ~~an extended body section,~~ a piercing needle having piercing and non-piercing ends, and

(d) a flash chamber for holding ~~one~~ the non-piercing end of a piercing needle

~~, and (e) a guide member for aligned radial and axial movement at will~~

~~through said pre-positioned cutouts in said wall of said needle-safety container.~~

Claim 8 (Currently Amended). In a needle-catheter assembly including a hollow cannula, a piercing needle disposed co-axially within the cannula, an adjacently positioned needle-safety container, and a needle housing moveably mounted on said needle-safety container, the improvement of an on-demand needle retaining and locking mechanism comprising:

a needle-safety container including

a linear shell having

(i) ~~having~~ at least one discrete shell wall and being of ~~predetermined~~ set dimensions and configuration,

(ii) ~~having~~ an open front end in said shell adapted for passage there through of a piercing needle, and

(iii) ~~having~~ an internal spatial volume sufficient for containing and securing a piercing needle,

~~(iv) at least one pre-positioned axial cutout in said wall of said linear shell,~~

a hollow collar contiguously aligned with and rotably attached to an said open front end of said linear shell, said rotatable collar including

(1) at least one circular wall and being of ~~predetermined~~ dimensions and configuration sufficient for rotatable attachment to said front end of said linear shell, said circular wall being radially rotatable on-demand,

(2) two open ends adapted for passage there through of a the piercing end of a piercing needle, and

(3) ~~a least one radially positioned and aligned cutout in said wall,~~ and ~~(5) a~~ sized solid tab member disposed on and extending radially from ~~the~~ an exterior surface of said circular wall of said rotatable collar at a position adjacent to, but spatially removed from, an end of said rotatable collar, said position being radially aligned with said cutout in said wall; and

a needle housing unit adapted for mounting upon and sliding axial movement at will over said needle-safety container and said rotatable collar, said needle housing unit including

(a) a slide casing of ~~predetermined~~ fixed dimensions, configuration, and overall spatial volume,

(b) a configured spool section comprising a flanged rib, a tab-engagement segment, and at least one sized notch for on-demand engagement with said tab member of said rotatable collar, said spool section being alignable at will with and being able to engage, retain and disengage said tab member of said rotatable collar on-demand,

(c) an extended body section, ~~and~~

(d) a flash chamber for holding ~~one~~ the non-piercing end of a piercing needle, and

(e) a piecing needle held at its non-piercing end by said flash chamber.

~~a guide member for aligned radial and axial movement at will through said pre-positioned cutouts of said rotatable collar and of said linear shell of said needle-safety container.~~